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BOOK REVIEWS AND NOTICES

Principles of Labor Legislation. By JOHN R. COMMONS and JOHN B. ANDREWS. New York: Harper, 1916. 8vo, pp. x + 524. \$2.00.

The authors of this volume enter a singularly unoccupied field, when its scope and importance are considered. It is true that Stimson in 1896 made a valuable pioneer contribution to the subject of labor legislation in the United States, and the present reviewer went more inclusively into the subject in 1911, while numerous treatises take up phases of the question. But the present work is not restricted by national boundaries nor the present-day status, more nearly resembling the work of Massé, Pic, and Bry than that of any American or English writer, since it not only presents comparative studies, but also gives considerable space to the subject of historical development and the conditions under which laws come into being. Furthermore, the social and economic effects produced or desired are presented with a good degree of fulness. Indeed, it is this developmental aspect that differentiates the work as a whole from any other that has attempted anything like it in scope.

The avowed purpose of the work, as the name suggests, is to "formulate fundamental principles which may be generally applied," working on the assumption that there is a "science of legislation" whose laws may be thus worked out. There is no one who has struggled with the maze of law-making, with its interaction of legislative and judicial processes, but will welcome any serious effort in this line; and if there is difference of opinion as to the degree of present achievement, it is only the common fate of the pioneer who seeks to blaze a straight way through complexities which offer a choice of conclusions rather than an authoritative precedent in many a branch of the law.

The opening chapter on "The Basis of Labor Law" seeks to ground the subject on the two fundamentals of public benefit and equal protection of the laws; yet it is pointed out that the one distinctive spring of labor legislation is the necessity that the laborer, political peer of his employer though he be, shall be given a statutory preference in the market place, to the end that economic inequalities may at least be reduced if not removed; in other words, that there be a sort of artificial leveling up in the interests of society as a whole.

"Individual Bargaining" and "Collective Bargaining" are two chapter heads of contrasting significance as they stand, and covering wide ranges of subjects, reaching in the former from homestead exemptions to the restriction of immigration, while under the second are discussed all phases of trade-union aspiration and mode of attainment. The groupings adopted lack something of convincingness, since practically every item considered in the earlier chapter affects the condition of the collective bargainer, who is in turn the most earnest and most effective advocate of much of the regulatory matter discussed under the distributive heading. But doubtless this is only saying that the union workman takes his individual earnings from his employer's hands under the same general conditions as does he who goes alone to the acceptance of the employment conditions, with no "trade agreement" to determine either the larger aspects or the more minute details of the contract. There is after all a degree of correlation between the various topics, and in their presentation there is here set forth an array of causative facts, together with results both general and specific, that probably cannot be found in equal space elsewhere.

More homogeneous is the discussion of the minimum wage and its principles, methods, and achievements at home and abroad, the presentation of which is as complete as the allotted space allows. Likewise compact and clear are other chapters on the more concrete themes of "Hours of Labor," "Unemployment," and "Safety and Health," though there is in their treatment an adequate recognition of their relation to the whole subject of the employment status, on the one hand, and to the social organism of which that status is but one of a number of factors, on the other.

The chapters on "Social Insurance" and "Administration" are of primary interest and suggestiveness. The treatment of the former subject necessarily is a presentation of principles and objectives rather than of the actual achievements of any one country, above all of the United States; while in both chapters are found statements of position that will doubtless continue to be debated, though there are quite definite opinions expressed, and much that is persuasive adduced in support. However—to note a single instance—when it is assumed, as the authors do assume, that a degree of compulsion is an essential element of social insurance in order to the attainment of adequacy of either scope or stability, there is in immediate evidence a stumbling-block to the unsocialized American employer and his likewise unsocialized body of employees, whose much-discussed mobility, or the instability of whose employment rather, has recently gained added notoriety and explanation

in the confessions of employment officers as to the extent of the annual "labor turnover" in some of our large industrial undertakings. Then, too, one may query how it is known that "the best thought is now against" a method of compensation for permanent partial disabilities which is in use in the great majority of state laws, i.e., a fixed schedule—this system having been adopted as an amendment in two cases after trial of the recommended method. Perhaps one must choose here, as so often, between the desirable and the feasible, and the future may hold the key to the problems of administration that are the chief difficulty in the way of both the ideas noted.

The theme of the concluding chapter is a favorite one with Professor Commons. The old-time trinity of governmental powers does not appear adequate to meet the situation of today, and "a fourth department of government" is added, defined as "a method of legislation," "legislation in action," yet spoken of again as being primarily for the purpose of investigation. The embodiment of the idea is the industrial commission, which belongs primarily to the executive branch of the government, yet is given the legislative powers of investigation and of the formulation of regulations and orders to meet the conditions disclosed,¹ while perhaps going into judicial fields in its interpretation of laws and conditions. Whatever our conclusion as to the necessity for a new classification of powers, it may seem that the inclusion of purely investigative, temporary bodies cannot be justified, since they lack the enacting force that rests with the legislature, and are without enforcing power, even by means of reports to prosecuting officials, and do not seem to be charged at all with administration.

A select bibliography is given, and some two or three hundred law cases are cited, besides numerous statutes, both American and foreign. Occasional errors are almost inevitable in a work of such inclusive detail, though but few were discovered in a fairly thorough reading. It is hard to understand, however, how there could occur such a misleading juxtaposition as the mention of a beneficent legitimization of the payment to wife or child of the wage debt due a deceased employee, in connection with laws intended to prevent the procuring of harsh releases in cases of death by accident (p. 58).

¹ An interesting current happening is the action of the Supreme Court of Wisconsin, which held by a divided court that the industrial commission law of that state is unconstitutional as delegating legislative powers to a body not competent to exercise the same. A rehearing has been arranged for, and the final outcome will be awaited with the highest interest, as the idea has gained rapid acceptance since its presentation by the activities of the very state in which it is now in jeopardy.

The title of the work may lead some to an expectation that they do not feel to be realized, since, if one looks in the volume for declarations of principles with black-letter clearness, he is doomed to disappointment. But what is given is the most important contribution to the subject of the fundamental basis and desirable development of labor legislation in its broader aspects that is available in the English language, and will probably continue to be such for a long time to come.

LINDLEY D. CLARK

WASHINGTON, D.C.

An Introduction to the Study of Organized Labor in America. By
GEORGE GORHAM GROAT. New York: Macmillan, 1916.
8vo, pp. xv+494. \$1.75.

In his new book Professor Groat has undertaken to present an introductory study of labor organizations in America. His purpose is to encourage "a more general interest in the subject" (p. v). "It is to start the study of the organized labor movement, not to conclude it" (p. xiii). "Any finality would be fatal to the purpose" (p. v). The desire to stimulate an interest in a subject of such vital importance to our industrial life, to convey some understanding of the problems and spirit of the labor movement of our day, is a highly commendable purpose. But testing the book by his own standards, the reviewer is of the opinion that Professor Groat has not accomplished well the task he set for himself. Not much of the spirit of the labor movement can be obtained from this book, principally because it smacks too much of information gained from government documents and reports, rather than from an intimate acquaintance with labor men and labor issues.

The book is clearly designed for classroom use. As such it would be used in most institutions after an introductory course in general economics, which means that it would usually be in the hands of Juniors and Seniors. While the text would be introductory to this specialized field, it would in most cases be used by students of some degree of maturity. During the last two years of college training, the teacher should use his best efforts to stimulate the power of independent thinking on the part of his students. When an author thinks "best to keep the pages of an introductory study free from the interruptions of such references"—i.e., footnote references (p. vii)—he wilfully shuts off from the student one of the most fruitful sources of independent research. While footnote references may be overdone, they are clearly underdone in